

Proposed City Charter Amendments

Common sense measures to increase transparency, accountability, and democratic oversight in Medford city government



Presented in Medford City Council Committee of the Whole, 4/18/2023

Why: Medford needs a more open budget process and a City Council with real oversight authority

1

Medford Charter is one of the most unbalanced “Strong Mayor” city charters in MA

- Every elected official in city generally agrees that the office of Mayor of Medford is one of the “strongest” Mayors in the state, meaning City Council holds very limited authority for oversight and accountability
- Targeted charter amendments can significantly improve the transparency of city government by providing the Medford City Council with powers that many other city councils in Massachusetts have

2

Residents deserve voice in city budget process through City Council

- Right now, the City Council has almost no authority over the city budget process. It can only approve, reject, or cut from the Mayor’s budget proposals
- Current budget authority creates stalemates and lack of collaboration, leading to confusion when the Council cannot address concerns of residents regarding the budget and financial planning

3

City Council needs true independence as a separate branch of city government

- While the City Council works incredibly closely with city staff hired by the Mayor’s administration, situations arise where the City Council requires independent staff, advice, or legal representation
- Under the current city charter, the Council can only receive independent support with approval of the Mayor and does not approve Mayoral appointments, both of which undermine the separation of powers

What: Improve balance of power between Mayor and City Council

Proposed Amendments

City Council Voice in Budget Process

Allow City Council to amend Mayor's budget proposal, Mayor can veto

1

City Council Authority to Hire Staff/Support

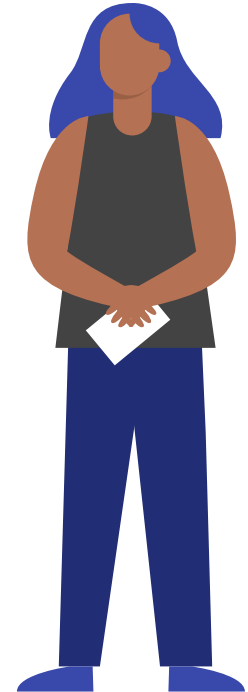
Allow City Council to hire staff members and independent legal/advising support

2

City Council Confirmation of Board and Commission Appointees

Require City Council confirmation of Mayor's appointees to city boards and commissions

3



How: Ways to Amend City Charter Under Massachusetts Law

Amend Specific Charter Provision
(No changes to mode of election or terms of office)

MGL Ch. 43B, Sec. 10:
(1) 2/3rds Vote of City Council
(2) Public Hearing within 3 months
(3) Approval of Mayor

MGL Ch. 43B, Sec. 10 & 11:
(4) Review by MA Attorney General
(5) Voters Approve or Reject Amendments
(6) If approved, amendments go into effect

**“Charter Review”
New City Charter or
Revision of Existing
Charter**
(Can alter any provision of city charter)

MGL Ch. 43B, Sec. 3: “Charter Commission”
(1) 15% of Voters Sign Petition
(2) Voters Elect Charter Commission Members
(3) Commission Holds Hearings within 4-18 months

(4) Commission Makes Recommendation
(5) Voters Approve or Reject Recommendation
(6) If approved, new charter goes into effect after the next municipal election

“Special Act Charter” by Home Rule Petition
(1) City government forms review committee*
(2) Review committee holds public meetings
(3) Review committee makes recommendation

(4) Voters Approve or Reject Recommendation**
(5) City Council Vote & Mayor Approval Required to Send Special Act Charter to Legislature
(6) If Legislature approves, new charter in effect

*City Council and Mayor can also petition State Legislature to form elected Charter Commission

**Voter Referendum is general practice but is not legally required under Special Act process

When: How Long Does Each Charter Amendment Process Take?

**Amend Specific
Charter Provision**
(No changes to mode of
election or terms of office)

**Council Vote, Hearings, Mayoral
Approval, Attorney General Review**

Would Occur by July 2023

**Voters Would Approve or Reject in
November 2023 Municipal Election**

Amendments in effect January 2024

**“Charter Review”
New City Charter or
Revision of Existing
Charter**
(Can alter any provision of city
charter)

MGL Ch. 43B, Sec. 3: “Charter Commission”

Earliest Charter Commission Election: November 2023
Commission Hearings/Proposal: Before May 2025

**Voters Would Approve or Reject in
November 2025 Municipal Election**

Amendments in effect January 2028

“Special Act Charter” by Home Rule Petition

Review Committee sets its own timeline

**Voters Would Approve or Reject in
November 2024 Federal Election or
November 2025 Municipal Election**

Amendments in effect January 2026 or 2028

Additional Elements & Key Facts

Proposal for Two Additional Public Hearings

After the April 18th, 2023 Committee of the Whole Meeting, the City Council will schedule two public hearings on any charter amendments recommended by the Committee of the Whole:

1. Subcommittee on Ordinances and Rules Public Hearing to invite feedback from public and city administration
2. Committee of the Whole to incorporate public feedback into any final proposal

City Council Can Also Place Charter Amendments on 2023 Ballot in Non-Binding Referendum

- While the MGL, Chap. 43, Sec. 10 process requires Mayoral approval for a binding ballot question, the City Council can place these amendments on the November 2023 municipal ballot as non-binding questions
- If voters approved the non-binding ballot questions, the City Council could vote to submit these amendments to the State Legislature via the “home rule petition” process with Mayoral approval

Existing Review Committee or Future Charter Commission Can Change These Amendments

- These specific amendments can go into effect and start improving Medford city government 2 to 4 years before the earliest possible adoption of a new or revised charter through “charter review”
- Additionally, the existing Charter Study Committee or a future Charter Commission could keep, amend, or remove these provisions from any future recommended charter

Sources

- (1) “City and Town Charters - Adoption, Revisions and Amendments”
<https://www.mass.gov/doc/chartadoptreviseamendpdf/download>
- (2) Massachusetts General Laws, Part I, Title VII, Chapter 43B
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter43B>
- (3) Various Materials, Edward J. Collins, Jr. Center for Public Management
<https://www.umb.edu/cpm>
- (4) “New Budgetary Process Comes with Challenges & Opportunities,” Boston Municipal Research Bureau
<https://www.bmr.org/wp-content/uploads/2022/11/SR222Q1IMP1114.pdf>

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